

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

MICHAEL CASPER ANTHONY,)
)
)
Plaintiff,)
)
)
v.) **Case No. 08-CV-606-R**
)
)
KAY COUNTY DETENTION)
CENTER, et al.,)
)
Defendants.)

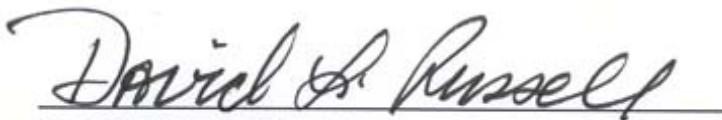
ORDER

This matter comes before the Court for consideration of a Report and Recommendation entered by United States Magistrate Judge Doyle W. Argo on June 19, 2008. Therein Judge Argo recommended that Defendants' Joint Motion to Dismiss, or in the Alternative, Motion to Compel Deposition Testimony [Doc. No. 36] be granted in part. Judge Argo recommended this Court enter an order pursuant to Federal Rule of Civil Procedure 37(a) compelling Plaintiff to appear for his deposition and to answer questions propounded to him by counsel for the Defendants. Judge Argo further recommended that the Plaintiff be required to pay the costs affiliated with the Defendants' motion to compel. Finally, Judge Argo recommended that the Defendants' motion to dismiss be denied.

The record reflects that neither party has objected to the Report and Recommendation, nor have they sought an extension of time in which to respond. Accordingly, the Report and Recommendation is hereby ADOPTED in its entirety. Plaintiff shall appear for a deposition as scheduled by the Defendants, and shall answer questions propounded to him. Failure to

comply with this order may result in the dismiss of Plaintiff's claims in their entirety. Additionally, counsel for Defendants shall submit to the Judge Argo an affidavit in support of its request for fees and costs and attach thereto the time records establishing the costs and fees affiliated with the motion to compel.

IT IS SO ORDERED this 20th day of July 2009.


DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE